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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,287

11/25/2003

William W. Henning

AFI-FL 001 P2

9105

51579 7590 05/01/2007  
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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

05/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/722,287

Applicant(s)

HENNING, WILLIAM W.

Examiner

Mike Chambers

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 101-130 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 101-130 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 101-130 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "weighted baseball area cover" is vague and indefinite. One of ordinary skill in the art would not be able to determine the metes and bounds of the invention.

As to claims 102-130 : These claims inherit the deficiencies of claim 101.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 101-120 and 127-130 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Wilson (D379081). Applicant discloses that the use of tarps is well known in the art, however it fails to clearly disclose the use of a weighted tarp. Wilson discloses the use of a weighted tarp (fig 1,6,8). It would have been obvious to one of ordinary skill in the art at the time of the invention to

have employed the tarp of Wilson in order to provide a more compact and portable rain tarp. The method claimed would naturally be used by one using the device.

As to claims 102-104: Wilson discloses a weighted mat that would have a weight and mat simultaneously stored (fig 8). The method claimed would naturally be used by one using the device.

As to claim 105: Wilson discloses a weighted mat (fig 1,9). The method claimed would naturally be used by one using the device.

As to claims 106-112: Wilson discloses a weighted seam (fig 8). The method claimed would naturally be used by one using the device.

As to claims 113-120: Wilson discloses a plurality of weighted areas (fig 1-8). The method claimed would naturally be used by one using the device.

As to claim 127: Wilson discloses a plurality of weights (fig 9). The method claimed would naturally be used by one using the device.

As to claims 128-130: Applicant's admitted prior art includes the description of placing the mat on the baseball field. The various method steps merely disclose the various steps in transporting and laying out the covering. The method claimed would naturally be used by one using the device.

Claims 121-126 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cited art above. The specification provides no unexpected or surprising results in using the various size and shape limitations. It would have been obvious to one of

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ordinary skill in the art to select an appropriate size and shape based on cost and design considerations.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D379081\* 6165591\* 4654906\* 4798754\*  
D029651\* 4499133\* 4634618\* 6077587\* US  
5407723 \* 2495636 \* 4906503 \* 5308670 \*  
4180867 \* 3691005 \* 6165591 \* 4654906 \*  
4798754  
April 26, 2007

Michael Chambers  
Examiner  
Art Unit 3711

  
EUGENE KIM  
SUPERVISORY PATENT EXAMINER